

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
FARGO DIVISION**

JOSEPH CLARK,
General Delivery
117 5th Avenue, S.W.
Minot, North Dakota 58701

Hon. _____

Hon. _____

PLAINTIFF

Case no. _____

v.

HOSPITALITY CONCEPTS, LLC
2021 16th Street, North
Fargo, North Dakota 58102

and

FARGO SUNRISE HOTEL, LLC
1401 35th Street, South
Fargo, North Dakota 58103

and

ROCKSTAR LODING #1 AND #2, Inc.,
3280 Veterans Blvd.
Suite 3
Fargo, North Dakota 58101

and

CHRISTIANSON COMPANIES, Inc.,
4609 33rd Avenue, South
Suite 400
Fargo, North Dakota 58104

and

JOHAL HOSPITALITY, LLC,
1651 6th Street, East
West Fargo, North Dakota 58708

**COMPLAINT FOR
MONETARY, INJUNCTIVE
AND DECLARATORY
RELIEF**

JURY TRIAL DEMANDED

West Fargo, North Dakota 58708

and

ADVANCED HOSPITALITY, Inc.,
4303 17th Avenue, South
Fargo, North Dakota 58103

and

GURUNIVAS, LLC,
1415 35th Avenue, South
Fargo, North Dakota 58103

DEFENDANTS.

I. Jurisdiction

This honorable court retains jurisdiction to adjudicate this case pursuant to **28 U.S.C. 1331** and **1343**. Jurisdiction is further conferred pursuant to **42 U.S.C. 12181**, the Americans with Disabilities Act.

II. Venue

Venue is proper in the District of North Dakota, Fargo Division, because the subject properties are located within this court's territorial jurisdiction.

III. Complaint

1. Each defendant herein owns and operates a place of public accommodation as defined by the Americans with Disabilities Act and the regulations implementing the Americans with Disabilities Act. **28 C.F.R. 36.201(a)** and **36.104**.
2. As the owner of places of public accommodation, each defendant herein is required to follow and comply with the Americans with Disabilities Act.
3. Section 2, Chapter 242 of the Americans with Disabilities Act mandates that swimming pools at places of public accommodation have a mandatory one pool lift; two (2) pool lifts if the pool is 300 linears or more. The section further requires each hot tub include at least one lift.
4. This plaintiff wanted to go swimming and enjoy a hot tub in Fargo so he contacted each hotel listed herein only to be told, as described below, that each hotel was not Americans with Disabilities Act compliant. After each hotel told this plaintiff each hotel was non compliant, this plaintiff further verified the same on

google and trip advisor.

5. The defendant, **Hospitality Concepts, LLC**, owns and operates the Homewood Suites hotel located at 2021 16th Street, North in Fargo. They do not have a lift for the hot tub.

6. The defendant, **Fargo Sunrise Hotel, LLC**, owns and operates the Country Inn and Suites located at 3316 13th Avenue, South in Fargo. They do not have a lift for the hot tub or pool.

7. The defendants, **Rockstar Lodging #1 and #2, Inc.**, owns and operates the Days Inn located at 1507 19th Avenue, North in Fargo. They do not have a lift for the pool or hot tub. They also own and operate the Rodeway Inn located at 2202 South University Drive in Fargo. They do not have a lift for the pool.

8. The defendant, **Christianson Companies, Inc.**, owns and operates the Main Stay Suites located at 1901 44th Street, S.W., in Fargo. They do not have a lift for the hot tub. This defendant also owns and operates the Red Roof Inn located at 1921 44th Street, S.W. in Fargo. They do not have a lift for the hot tub.

9. The defendant, **Johal Hospitality, LLC**, owns operates the Wingate located at 4429 19th Avenue, S.W. in Fargo. They do not have a lift for the pool or hot tub.

10. The defendant, **Advanced Hospitality, Inc.**, owns and operates the Expressway Suites located at 4303 17th Avenue, S.W. in Fargo. They do not have a lift for the pool or hot tub.

11. The defendant, **Gurunivas, LLC**, owns and operates the Quality Suites located at 1415 35th Street, South in Fargo. They do not have a lift for the pool or hot tub.

12. The defendant, **Robust Properties, LLC**, owns and operates the Laquinta Inn located at 2355 46th Street, South in Fargo. They do not have a lift for the pool or hot tub.

IV. Jury Demand

This plaintiff respectfully demands a trial by jury on all issues triable by jury by the maximum allowable number of jurors.

V. Relief Requested

WHEREUPON, plaintiff respectfully requests the following relief:

DECLARATORY - a declaratory judgment that declares at the

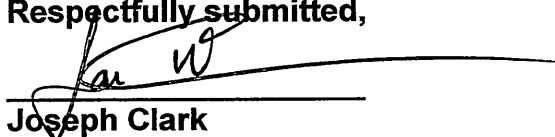
commencement of this action, each hotel was / is operating in direct violation of the Americans with Disabilities Act as described herein.

INJUNCTIVE - a permanent injunction pursuant to 42 U.S.C. 12188(a)(2) and 28 C.F.R. 36.504(a) which orders the subject properties to bring the properties into compliance with the Americans with Disabilities Act by installing permanent pool and hot tub lifts as required by sections of 242.2 and 1009.2 of the 2010 standards which further directs the court shall retain jurisdiction for a period to be determined after the defendant certifies the pools and hot tubs are in full compliance with the Americans with Disabilities Act to ensure the defendant has adopted and are following an institutional policy that will in fact cause the defendant to remain in compliance with the Americans with Disabilities Act.

MONETARY - a reasonable amount of attorney's fees and costs.

FINES - a **\$75,000.00** fine for each violation of the Americans with Disabilities Act.

Respectfully submitted,



Joseph Clark
Plaintiff (Pro-se)
General Delivery
117 5th Avenue, S.W.
Minot, North Dakota 58701